



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

HM22/0912

GEORGE W. JOHNSTON  
HOFFMAN-LA ROCHE INC  
340 KINGSLAND STREET  
NUTLEY NJ 07110-1199

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
097732, 522	01/19/99	023	DIBRINO, M	1644 09/12/00
First Named Applicant	GATELY, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION ANTIBODIES AGAINST HUMAN IL-12

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1043	435-332.000	S14	UTILITY	NO	\$1210.00	12/12/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

- I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
  - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
  - B. If the status is the same, pay the FEE DUE shown above.
- If the SMALL ENTITY is shown as NO:
  - A. Pay FEE DUE shown above, or
  - B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number.  
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

**PATENT AND TRADEMARK OFFICE COPY**

# Notice of Allowability

Application No.

09/232,522

Applicant(s)

Gately et al.

Examiner

Marianne DiBrino

Group Art Unit

1644



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to 8/29/00

☒ The allowed claim(s) is/are 6-13, 21-28, 30-33, and 37-39

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

#14/C

Serial No. 09/232,522  
Art Unit 1644

-2-

### DETAILED ACTION

1. Applicant's amendment, filed 8/29/00 (Paper No. 11), is acknowledged and has been entered.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in telephone interviews with Mr. Bill Epstein on 8/30/00 and on 9/11/00.

#### In the claims:

(1) claim 37 at line 1, "which consists of" has been deleted and --, said heterodimer consisting of-- has been added following "IL-12 p75 heterodimer".

(2) claim 37 at line 2, --,-- has been added following "subunit".

(3) claim 37 at line 9, -- - -- has been added after "HB" and before "12 446" and "12 446" has been amended to --12446-- (i.e., to delete the space after "2").

(4) claim 37 at line 10, -- - -- has been added before "12 447" and "12 447" has been amended to --12447--; -- -- has been added after "HB" and before "12 448" and "12 448" has been amended to --12448--; -- - -- has been added after "HB" and before "12 449" and "12 449" has been amended to --12449--.

(5) claim 38 at line 1, "which consists of" has been deleted and --, said human IL-12 consisting of-- has been added after "IL-12".

(6) claim 38 at line 2, "forming" has been deleted and -- which form-- has been added following "subunit".

(7) claim 38 at line 9, -- - -- has been added after "HB" and before "12 446" and "12 446" has been amended to --12446--; -- - -- has been added after "HB12477" has been deleted and --HB-12447-- has been added; -- - -- has been added after "HB" and before "12448"; -- - -- has been

added after "HB" and before "12 449" and "12 449" has been amended to --12449--.

(8) claim 39 at line 2, "which consists of" has been deleted and --, said human IL-12 consisting of-- has been added after "IL-12"; "forming" has been deleted and --which form-- has been added after "subunit".

(9) claim 39 at line 9, -- -- has been added after "HB" and before "12 446" and "12 446" has been amended to --12446--; -- -- has been added after "HB" and before "12 447" and "12 447" has been amended to --12447--; -- -- has been added after "HB" and before "12 448" and "12 448" has been amended to --12448--; -- -- has been added after the last instance of "HB".

(10) claim 39 at line 10, "12 449" has been amended to --12449--.

(11) Claim 6 at line 1, "1" has been changed to --37--.

(12) Claims 6, 8, 10, 12, 21, 23, 25, 27, 37 and 38 the "." at end of said claims has been deleted and --, or a humanized antibody, thereof.-- has been added in place of the ".".

In the specification:

(12) on page 6 at line 3, --(SEQ ID NO: 1)-- has been added after "sequence".

(13) on page 6 at line 7, --(SEQ ID NO: 3)-- has been added after "sequence".

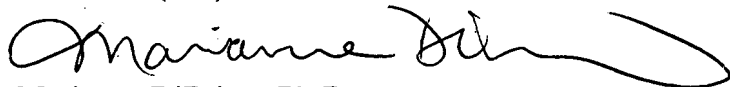
**REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance:

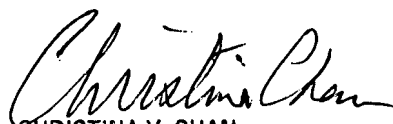
- a. Claims 6-13, 21-28, 30-33 and 37-39 are pending and are allowable.
- b. The hybridomas with ATCC Accession Nos. HB-12446, HB-12447, HB-12448 and HB-12449 and the anti-human IL-12 antibodies said hybridomas produce are not taught or suggested by the prior art.
- c. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne DiBrino whose telephone number is (703) 308-0061. The examiner can normally be reached Monday through Friday from 8:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.



Marianne DiBrino, Ph.D.  
Patent Examiner  
Group 1640  
Technology Center 1600  
September 11, 2000



CHRISTINA Y. CHAN  
SUPERVISORY PATENT EXAMINER  
GROUP 1800-1640